

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Sandra Brooks

(b) County of Residence of First Listed Plaintiff c/o Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Law Offices of Robert T Vance Jr, 100 South Broad
Street, Suite 905, Philadelphia Pa 19110 (215)

DEFENDANTS

Cenlar FSB, a subsidiary of Cellar Capital Corporation

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC Section 1981

Brief description of cause:
Employment discrimination - race

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE NONE

DOCKET NUMBER

DATE 8/2/2021 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Philadelphia, Pennsylvania
Address of Defendant: Trenton, New Jersey
Place of Accident, Incident or Transaction: Pennsylvania

RELATED CASE, IF ANY:

Case Number: None Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: August 2, 2021  37692
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
☐ 2. FELA
☐ 3. Jones Act-Personal Injury
☐ 4. Antitrust
☐ 5. Patent
☐ 6. Labor-Management Relations
☒ 7. Civil Rights
☐ 8. Habeas Corpus
☐ 9. Securities Act(s) Cases
☐ 10. Social Security Review Cases
☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
☐ 2. Airplane Personal Injury
☐ 3. Assault, Defamation
☐ 4. Marine Personal Injury
☐ 5. Motor Vehicle Personal Injury
☐ 6. Other Personal Injury (Please specify): _____
☐ 7. Products Liability
☐ 8. Products Liability – Asbestos
☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Robert T Vance Jr, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☒ Relief other than monetary damages is sought.

DATE: August 2, 2021  37692
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

United States District Court for the Eastern District of Pennsylvania

Sandra Brooks

vs

Cenlar FSB, a subsidiary of Cenlar
Capital Corporation

:
:
:
:
:
:

Civil Action No.
Jury Trial Demanded

Complaint

Plaintiff, Sandra Brooks, brings a series of claims against Defendant, Cenlar FSB, a subsidiary of Cenlar Capital Corporation, of which the following is a statement:

Jurisdiction and Venue

1. This Court has original jurisdiction to hear this Complaint and adjudicate the claims stated herein under 28 U.S.C. §§ 1331 and 1343, this action being brought under the Civil Rights Act of 1866, 42 U.S.C. § 1981 (“Section 1981”), and the Civil Rights Act of 1991, Pub. L. 102-166, 105 Stat. 1071 (Nov. 21, 1991). The Court has jurisdiction over Ms. Brooks’s state law claim pursuant to 28 U.S.C. § 1367.

2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events or omissions giving rise to this case occurred in this judicial district.

The Parties

3. Plaintiff, Sandra Brooks, is an African-American female citizen of the United States and a resident of this judicial district.

4. Defendant Cenlar FSB is a subsidiary of Cenlar Capital Corporation. Cenlar Capital Corporation is a savings and loan holding company that offers banking services. Cenlar FSB provides residential mortgage loan services, as well as central loan administration and

reporting services. Cenlar Capital Corporation was incorporated and has its headquarters in New Jersey. Cenlar FSB maintains offices in Yardley, Pennsylvania and Trenton, New Jersey.

5. At all times relevant to this action, defendant was an “employer” within the meaning of Section 1981 and applicable state law.

6. The acts set forth in this Complaint were authorized, ordered, condoned, ratified and/or done by defendant’s officers, agents, employees and/or representatives while actively engaged in the management of defendant’s business.

Background Facts

7. Defendant hired Ms. Brooks in or about February 2017 as a Quality Assurance Analyst. In October 2019, Ms. Brooks accepted her current position, Employee Relations Coordinator, but without a salary increase. At all times relevant to this Complaint, Ms. Brooks was an excellent employee.

8. After that promotion, Ms. Brooks sought numerous other promotions for which she was qualified. However, defendant failed to promote her to every position she applied for because it systemically discriminates against Blacks and prefers White employees in key positions and pursuant to its pattern and practice of refusing to select Blacks for promotions. The positions Ms. Brooks applied for, and as to which defendant refused to select her because of her race, are the following:

- a. Client Manager
- b. Operations Business Analyst
- c. Change Control Coordinator
- d. Policy, Program and Procedure Writer
- e. Process Engineer
- f. Project Manager

In each case, defendant selected a White candidate for the position.

9. On or about February 19, 2021, Ms. Brooks applied for the position of Client Manager. Ms. Brooks was qualified for the position. Matthew Detweiller, a White male and one of defendant's management employees, was the Hiring Manager for the position.

10. Despite the fact that she was qualified for the position, Mr. Detweiller refused to interview Ms. Brooks for the position, without providing to the internal recruiter assigned to the position any specific reason for his decision. Mr. Detweiller selected a White female for the position.

11. Mr. Detweiller refused to interview Ms. Brooks for the Client Manager position and refused to select her for that position because of her race and pursuant to defendant's history, pattern and practice of failing to select Blacks for key positions.

12. On or about February 19, 2021, Ms. Brooks applied for the position of Operations Business Analyst. Ms. Brooks was qualified for the position. William Moffett, a White male and one of defendant's management employees, was the Hiring Manager for the position.

13. Despite the fact that she was qualified for the position, Mr. Moffett refused to interview Ms. Brooks for the position, without providing to the internal recruiter assigned to the position any specific reason for his decision. On information and belief, Mr. Moffett selected a non-Black candidate for the position.

14. Mr. Moffett refused to interview Ms. Brooks for the Operations Business Analyst position and refused to select her for that position because of her race and pursuant to defendant's history, pattern and practice of failing to select Blacks for key positions.

15. In February 2021, Ms. Brooks applied for three (3) positions: Change Control Coordinator, Process Engineer, and Policy, Program and Procedure Writer. Ms. Brooks was

qualified for each of these positions. Alyson Keisel, a White female and one of defendant's management employees, was the Hiring Manager for the positions.

16. Ms. Keisel interviewed Ms. Brooks simultaneously for the positions and instructed Ms. Brooks to select the position she was most interested in obtaining. Ms. Brooks chose the Change Control Coordinator position and informed the internal recruiter of her choice. The internal recruiter then told Ms. Brooks that Ms. Keisel believed she was best-suited for the Policy, Program and Procedure Writer position, so Ms. Brooks told the internal recruiter that she would accept Ms. Keisel's suggestion and seek that position.

17. Ms. Brooks was interviewed by the Supervisor of the Policy, Program and Procedure Writer position and believed the interview went well.

18. Defendant never contacted Ms. Brooks about any of the three (3) positions after her interview. However, Ms. Brooks later learned that defendant selected White females for the Policy, Program and Procedure Writer position and the Change Control Coordinator position, but did not select anyone for the Process Engineer position.

19. Defendant refused to select Ms. Brooks for any of the three (3) positions because of her race and pursuant to its history, pattern and practice of failing to select Blacks for key positions.

20. On April 1, 2021, at the suggestion of a Human Resources Advisor/Recruiter, Ms. Brooks applied for the position of Project Manager. Ms. Brooks submitted her resume to the HR Advisor/Recruiter who suggested she apply for the position. In response to inquiries about her resume from the Designated Recruiter, Ms. Brooks revised her resume and returned it to the Designated Recruiter, who told Ms. Brooks that she would give it to the Hiring Manager for the

position. Subsequently, Ms. Brooks was never contacted by the Designated Recruiter about the position and was not interviewed for the position.

21. Defendant refused to interview Ms. Brooks for the Project Manager position and refused to select her for the position because of her race and pursuant to its history, pattern and practice of failing to select Blacks for key positions.

22. Each of the positions Ms. Brooks applied for was at a higher salary grade than her then-current salary grade, and had she been selected for any of the positions, her compensation would have significantly increased.

23. Ms. Brooks has suffered, is now suffering and will continue to suffer emotional distress, mental anguish, loss of enjoyment of life and other non-pecuniary losses as a direct and proximate result of defendant's discrimination.

24. Defendant discriminated against Ms. Brooks because of her race and pursuant to its history, pattern and practice of failing to select Blacks for key positions.

25. By reason of defendant's discrimination, Ms. Brooks suffered extreme harm, including loss of income and other employment benefits, loss of professional opportunities, embarrassment and humiliation.

26. Defendant acted and failed to act willfully, maliciously, intentionally and with reckless disregard for Ms. Brooks's rights.

Count I

The Civil Rights Act of 1866, 42 U.S.C. §1981

27. Plaintiff restates and realleges paragraphs 1-26, inclusive, as though set forth here in full.

28. Ms. Brooks had a federal statutory right under the Civil Rights Act of 1866, 42 U.S.C. §1981 (“Section 1981”), as amended, to be accorded the same rights as were enjoyed by White employees with respect to the terms and conditions of their employment relationship with defendant and to the enjoyment of all benefits, privileges, terms and conditions of that relationship.

29. Defendant’s conduct described above deprived Ms. Brooks of the rights, privileges and immunities guaranteed to him under Section 1981.

30. By reason of defendant’s conduct, Ms. Brooks is entitled to all legal and equitable relief available under Section 1981.

Count II

Intentional Infliction of Emotional Distress

31. Plaintiff restates and realleges paragraphs 1-30, inclusive, as though set forth here in full.

32. Defendant knew, or in the exercise of reasonable care, should have known, that its conduct described above would cause, and did cause, Ms. Brooks mental distress, and was so extreme so as to exceed all bounds that are usually tolerated in a decent and civilized society.

33. Defendant’s extreme and outrageous conduct intentionally or recklessly caused severe emotional distress to Ms. Brooks.

34. As a direct and proximate result of the acts and conduct described above, Ms. Brooks suffered actual damages, including loss of earnings and future earning capacity, emotional distress, mental anguish, humiliation and embarrassment, attorney’s fees and costs.

35. The acts of defendant described above were willful, wanton, malicious, intentional, oppressive and done in willful and conscious disregard of the rights and welfare of Ms. Brooks, thereby justifying an award of punitive damages.

Jury Demand

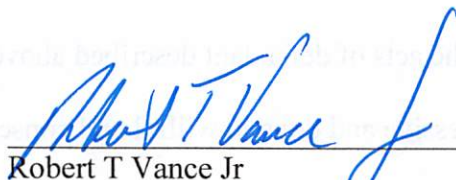
36. Ms. Brooks hereby demands a trial by jury as to all issues so triable.

Prayer for Relief

Wherefore, Plaintiff, Sandra Brooks, respectfully prays that the Court:

- a. adjudge, decree and declare that defendant has engaged in illegal race discrimination, and that the actions and practices of defendant complained of herein are violative of her rights under Section 1981;
- b. order defendant to provide appropriate job relief to Ms. Brooks, including immediate promotion;
- c. enter judgment in favor of Ms. Brooks and against defendant for all available remedies and damages under law and equity, including, but not limited to, back pay, front pay, reinstatement, past and future mental anguish and pain and suffering, in amounts to be determined at trial;
- d. order defendant to pay the attorney's fees, costs, expenses and expert witness fees of Ms. Brooks associated with this case;
- e. grant such other and further legal and equitable relief as may be found appropriate and as the Court may deem just or equitable; and
- f. retain jurisdiction until such time as the Court is satisfied that defendant has remedied the unlawful and illegal practices complained of herein and is determined to be in full

compliance with the law.



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